

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No. 143717) (*pro hac vice*)

Ira D. Kharasch (CA Bar No. 109084) (*admitted pro hac vice*)

John A. Morris (NY Bar No. 266326) (*admitted pro hac vice*)

Gregory V. Demo (NY Bar No. 5371992) (*pro hac vice*)

10100 Santa Monica Blvd., 13th Floor

Los Angeles, CA 90067

Telephone: (310) 277-6910

Facsimile: (310) 201-0760

HAYWARD & ASSOCIATES PLLC

Melissa S. Hayward (TX Bar No. 24044908)

MHayward@HaywardFirm.com

Zachery Z. Annable (TX Bar No. 24053075)

ZAnnable@HaywardFirm.com

10501 N. Central Expy, Ste. 106

Dallas, TX 75231

Telephone: (972) 755-7100

Facsimile: (972) 755-7110

Counsel for the Debtor and Debtor-in-Possession

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

V.

HUNTER MOUNTAIN INVESTMENT TRUST,

Defendant.

Chapter 11

Case No. 19-34054-sgj11

Adversary No. 20-03105-sgj

¹ The last four digits of the Debtor's taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

STIPULATION AND PROPOSED SCHEDULING ORDER

This stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as debtor-in-possession (the “Debtor”), and Hunter Mountain Investment Trust (“Hunter Mountain”, and together with the Debtor, the “Parties”), by and through their respective undersigned counsel.

RECITALS

WHEREAS, on October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of the Debtor’s bankruptcy case (the “Bankruptcy Case”) to this Court [Docket No. 186];²

WHEREAS, on March 2, 2020, the Court entered its *Order (I) Establishing Bar Dates for Filing Claims and (II) Approving the Form and Manner of Notice Thereof* [Docket No. 488] (the “Bar Date Order”),³ which, among other things, established April 8, 2020 at 5:00 p.m. Central Time (the “General Bar Date”) as the deadline for all entities holding claims against the Debtor that arose before the Petition Date to file proofs of claim;

WHEREAS, on April 8, 2020, Hunter Mountain filed a general unsecured proof of claim in the amount of \$60,298,739.00, which was denoted by the Debtor’s claims agent as claim number 152 (“Claim No. 152”);

² All docket numbers refer to the dockets maintained by this Court for the Bankruptcy Case and the above-captioned adversary proceeding (the “Adversary Proceeding”).

³ Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Bar Date Order.

WHEREAS, on August 26, 2020, the Debtor filed the *Debtor's (I) Objection to Claim No. 152 of Hunter Mountain Trust and (II) Complaint to Subordinate Claim of Hunter Mountain Trust and for Declaratory Relief* [Adv. Docket No. 1] (the "Complaint");

WHEREAS, on August 27, 2020, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Adv. Docket No. 3] (the "Alternative Scheduling Order");

WHEREAS, on September 21, 2020, the Debtor filed the *First Amended Plan of Reorganization of Highland Capital, L. P.* [Docket No. 1079] (the "Plan");

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed schedule and address related matters, all as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. In consideration for the schedule set forth below, including the extension of time to respond to the Complaint, Hunter Mountain (a) waives its rights, if any, to vote for or against the Plan, whether pursuant to Federal Rule of Bankruptcy Procedure 3018(a) or otherwise; and (b) agrees not to object to or otherwise oppose confirmation of the Plan, including any amendments thereto (provided that any such amendments do not affect the issues which would be litigated in this Adversary Proceeding).

2. The Parties agree to the following schedule (the "Proposed Joint Scheduling Order") in lieu of that provided in the Alternative Scheduling Order:

<i>Proposed Joint Scheduling Order</i>	
<u>Event</u>	<u>Deadline</u>
1. Deadline to Answer or Otherwise Respond to Complaint	November 15, 2020
2. Service of Written Discovery Requests	December 31, 2020
3. Service of Written Responses to Discovery	February 5, 2021
4. Completion of Fact Discovery	February 26, 2021
5. Completion of Expert Discovery	March 26, 2021
6. Dispositive Motions	March 26, 2021
7. Exhibit and Witness Lists	April 26, 2021
8. Joint Pretrial Order	May 3, 2021
9. Proposed Findings of Fact and Conclusions of Law	May 3, 2021
10. Trial Docket Call	May 10, 2021

3. If approved by the Court, the Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

4. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

[Remainder of Page Intentionally Blank]

Dated: October 5, 2020

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No.143717)

(admitted pro hac vice)

Ira D. Kharasch (CA Bar No. 109084)

(admitted pro hac vice)

John A. Morris (NY Bar No. 266326)

(admitted pro hac vice)

Gregory V. Demo (NY Bar No. 5371992)

(admitted pro hac vice)

10100 Santa Monica Blvd., 13th Floor

Los Angeles, CA 90067

Telephone: (310) 277-6910

Facsimile: (310) 201-0760

E-mail: jpomerantz@pszjlaw.com

ikharasch@pszjlaw.com

gdemo@pszjlaw.com

-and-

HAYWARD & ASSOCIATES PLLC

/s/ Zachery Z. Annable

Melissa S. Hayward

Texas Bar No. 24044908

MHayward@HaywardFirm.com

Zachery Z. Annable

Texas Bar No. 24053075

ZAnnable@HaywardFirm.com

10501 N. Central Expy, Ste. 106

Dallas, Texas 75231

Tel: (972) 755-7100

Fax: (972) 755-7110

Counsel for the Debtor and Debtor-in-Possession

HUNTER MOUNTAIN INVESTMENT TRUST

/s/ E.P. Keiffer

E.P. Keiffer

Rochelle McCullough,LLP

325 North St. Paul St., Suite 4500

Dallas, Texas 75201

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on October 5, 2020, true and correct copies of the foregoing document were served on the parties listed below via electronic service at the e-mail addresses listed.

/s/ Zachery Z. Annable
Zachery Z. Annable, Esq.

Counsel for Hunter Mountain Investment Trust: Mr. E. P. Keiffer Rochelle McCullough, LLP 325 North St. Paul St., Suite 4500 Dallas, Texas 75201 pkeiffer@romclaw.com <i>(via electronic service)</i>	
---	--